

<b>To:</b>	K.A. Schmursal Holding GmbH & Co. KG ( <a href="mailto:denverteas@kilpatricktownsend.com">denverteas@kilpatricktownsend.com</a> )
<b>Subject:</b>	U.S. TRADEMARK APPLICATION NO. 79139822 - S SCHMERSAL SAFE SOLUTIONS FOR YOUR - N/A
<b>Sent:</b>	1/5/2015 8:45:42 AM
<b>Sent As:</b>	ECOM105@USPTO.GOV
<b>Attachments:</b>	

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

<b>U.S. APPLICATION SERIAL NO.</b> 79139822	
<b>MARK:</b> S SCHMERSAL SAFE SOLUTIONS FOR YOUR	<b>*79139822*</b>
<b>CORRESPONDENT ADDRESS:</b> Ian L. Saffer Kilpatrick Townsend & Stockton LLP 1400 WEWATTA STREET SUITE 600 DENVER, CO 80202	<b>CLICK HERE TO RESPOND TO THIS I</b> <a href="http://www.uspto.gov/trademarks/teas/response">http://www.uspto.gov/trademarks/teas/response</a>  <a href="#">VIEW YOUR APPLICATION FILE</a>
<b>APPLICANT:</b> K.A. Schmursal Holding GmbH & Co. KG	
<b>CORRESPONDENT'S REFERENCE/DOCKET NO :</b> N/A <b>CORRESPONDENT E-MAIL ADDRESS:</b> <a href="mailto:denverteas@kilpatricktownsend.com">denverteas@kilpatricktownsend.com</a>	

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

**ISSUE/MAILING DATE: 1/5/2015**

**THIS IS A FINAL ACTION.**

**INTERNATIONAL REGISTRATION NO. 1185105**

This letter is in response to applicant's communication filed October 17, 2014. This final Office action supersedes the final Office action issued April 22, 2014. The examining attorney regrets any

inconvenience caused as a result of not previously requiring applicant to clarify certain unacceptable wording in the identification of goods and services. The requirement for an acceptable identification of goods and services is maintained and made final.

SUMMARY OF ISSUES that applicant must address:

- Identification of Goods and Services

### IDENTIFICATION OF GOODS AND SERVICES

The wording “safety light barriers,” “monitoring sensors for position and speed of machinery,” “electric and electronic controllers,” “momentum transmitters, namely, cable pull switches, rotating spindle limit switches, slack-wire switches and belt alignment limit switches,” “electric and electronic controllers for lifts, namely, lift monitoring apparatus comprised of sockets connecting outputs of the evaluation units, microprocessors for monitoring speed and acceleration, amplifier actuating a safety relay stage acting on the lift control system, and the safety circuit for switching off the lift drive,” “and electric and electronic controllers for lift switching apparatus, namely, lift ultrasonic position system comprised of receiver, transmitter, swing protection, dampers, correction sensor, actuating magnets, and signal wire, lift magnetic reed switches, lift position switches, lift floor switches, lift fine adjustment switches,” “electronic controllers, namely, electronic memory-programmable or permanent-programmable controllers for use in the microprocessor-controlled safety technology industry,” and “delay timers” in the amended identification of goods and services is indefinite and must be clarified. *See* TMEP §§1402.01, 1402.03. Applicant must amend the identification by listing each item specifically or by its generic or common commercial name.

Applicant should note that the wording “electric and electronic controllers for lifts, namely, lift monitoring apparatus comprised of sockets connecting outputs of the evaluation units, microprocessors for monitoring speed and acceleration, amplifier actuating a safety relay stage acting on the lift control system, and the safety circuit for switching off the lift drive,” “and electric and electronic controllers for lift switching apparatus, namely, lift ultrasonic position system comprised of receiver, transmitter, swing protection, dampers, correction sensor, actuating magnets, and signal wire, lift magnetic reed switches, lift position switches, lift floor switches, lift fine adjustment switches,” is too indefinite for the examining attorney to suggest acceptable wording.

Applicant should note the suggestions and/or explanations in bold in the proposed identification below.

**The applicant is strongly urged to consult the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahhtml/tidm.html> for assistance with identifying and classifying goods and services in this trademark application.**

The international classification of goods and/or services in applications filed under Trademark Act Section 66(a) cannot be changed from the classification the International Bureau assigned to the goods and/or services in the corresponding international registration. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1904.02(b).

Therefore, any modification to this wording must identify goods and/or services in the International Classes specified in the application for these goods and/or services.

The following substitute wording is suggested, if appropriate:

#### International Class 009

Surveying, measuring, signaling, and checking, supervision apparatus and instruments, namely, power continuity test apparatus for use with electrical circuits, safety light curtains, and tactile safety monitoring devices in the form of safety edges and safety mats; electronic and electromechanical monitoring apparatus, namely, guard door monitoring and safety-monitoring modules; optoelectronic apparatus, namely, safety monitoring modules for machine guarding; laser scanners; **safety light barriers for machine safety guarding**; light grid sensors for machine safety guarding; tactile safety monitoring devices, namely, alarms that utilizes pressure sensitive pads to monitor movement of persons; monitoring sensors for **determining the** position and speed of machinery; electrical or electronic switchgear monitoring devices for machine safety guarding; electrical or electronic switchgear monitoring devices for machine safety guarding; lift door controls, namely, electric and electromagnetic lift door contacts and lift door locks; evaluating apparatus for identifying signals provided by electrical or electronic components, namely, safety relay modules, safety monitoring modules and fail safe delay timer for use in the field of machine safety guarding; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity, namely, adapters, electricity conduits, input expanders and output expanders; **electric conveyor belt** momentum transmitters, namely, cable pull switches, rotating spindle limit switches, slack-wire switches and belt alignment limit switches; electric and electromagnetic switches, namely, electric and electromagnetic safety switches, electric and electromagnetic limit switches, electric and electromagnetic position switches, electric and electromagnetic cable pull switches, electric and electromagnetic emergency switches, electric and electromagnetic two-hand switches, electric and electromagnetic micro switches, electric gear switches, rotating spindle limit switches, slack- wire switches, belt alignment switches, magnetic reed switches and door handle switches, electric and electromagnetic foot switches and proximity switches, all for machine safety guarding; non-contact electric locks; electric, magnetic, electromagnetic and electromechanical locks; switching equipment and housing therefor, namely, electric and electromagnetic switches; remotely controlled safety circuit breakers; area and surface protection components for use as entry, danger point or danger zone guards, namely, components for tactile safety devices in the form of alarms that utilize pressure sensitive pads and mats to monitor movement of persons; standstill monitors for monitoring machinery evaluation device for identifying an electrical or electronic component or its status, namely, electric switches and sensors in emergency-stop and guard door monitoring devices; electronic controllers, namely, electronic memory-programmable or permanent-programmable controllers **for controlling [indicate goods being controlled]** for use in the microprocessor-controlled safety technology industry; data buses and components therefor being computer hardware; data bus controls being computer hardware; signal lamps, namely, signal lamps in the nature of lights used to indicate equipment status; lighting control panels; electric and electronic control panels; electrical or electronic control switches; bumpers for electrical signal generation, namely, electric safety edges which generate electric signals for use in machine safety guarding; and delay timers, namely, **[state specifically the nature or purpose of these goods]**

## International Class 042

Engineering services; design and development of safety features for machines and mechanical installations, including, design and development of lift electronic safety systems, and for chemical engineering and process technology apparatus and installations; design and development of surveying, measuring, signaling and checking, supervision apparatus and instruments for use in the field of industrial safety for people and machines; design and development of electronic and electromechanical monitoring apparatus for use in the field of industrial safety for people and machines; design and development of optoelectronic apparatus, and design and development of apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity

For assistance with identifying and classifying goods and services in trademark applications, please see the USPTO's online searchable *U.S. Acceptable Identification of Goods and Services Manual* at <http://tess2.uspto.gov/netahtml/tidm.html>. See TMEP §1402.04.

An applicant may only amend an identification to clarify or limit the goods and/or services, but not to add to or broaden the scope of the goods and/or services. 37 C.F.R. §2.71(a); see TMEP §1904.02(c)(iv). In an application filed under Trademark Act Section 66(a), the scope of the identification for purposes of permissible amendments is limited by the international class assigned by the International Bureau of the World Intellectual Property Organization (International Bureau). 37 C.F.R. §2.85(f); TMEP §§1402.07(a), 1904.02(c). If an applicant amends an identification to a class other than that assigned by the International Bureau, the amendment will not be accepted because it will exceed the scope and those goods and/or services will no longer have a basis for registration under U.S. law. TMEP §§1402.01(c), 1904.02(c).

In addition, in a Section 66(a) application, an applicant may not change the classification of goods and/or services from that assigned by the International Bureau in the corresponding international registration. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1402.01(c). Further, in a multiple-class Section 66(a) application, an applicant may not transfer goods and/or services from one existing international class to another. 37 C.F.R. §2.85(d); TMEP §§1401.03(d), 1402.01(c).

This requirement is maintained and made final.

Applicant is encouraged to telephone the examining attorney to resolve the issue(s) raised in this Office action by examiner's amendment.

## PROPER RESPONSE TO FINAL OFFICE ACTION/ABANDONMENT OF GOODS/SERVICES

Applicant must respond within six months of the date of issuance of this final Office action or the following goods and/or services to which the final refusal(s) and/or requirement(s) apply will be **deleted** from the application by Examiner's Amendment: "safety light barriers," "monitoring sensors for position and speed of machinery," "electric and electronic controllers," "momentum transmitters, namely, cable pull switches, rotating spindle limit switches, slack-wire switches and belt alignment limit switches," "electric and electronic controllers for lifts, namely, lift monitoring apparatus comprised of

sockets connecting outputs of the evaluation units, microprocessors for monitoring speed and acceleration, amplifier actuating a safety relay stage acting on the lift control system, and the safety circuit for switching off the lift drive,” “and electric and electronic controllers for lift switching apparatus, namely, lift ultrasonic position system comprised of receiver, transmitter, swing protection, dampers, correction sensor, actuating magnets, and signal wire, lift magnetic reed switches, lift position switches, lift floor switches, lift fine adjustment switches,” “electronic controllers, namely, electronic memory-programmable or permanent-programmable controllers for use in the microprocessor-controlled safety technology industry,” and “delay timers” . 37 C.F.R. §2.65(a); *see* 15 U.S.C. §1062(b).

The application will then proceed for the rest of the goods and/or services.

Applicant may respond by providing one or both of the following:

- (1) A response that fully satisfies all outstanding requirements and/or resolves all outstanding refusals.
- (2) An appeal to the Trademark Trial and Appeal Board, with the appeal fee of \$100 per class.

37 C.F.R. §2.64(a); TMEP §714.04; *see* 37 C.F.R. §2.6(a)(18); TBMP ch. 1200.

In certain rare circumstances, an applicant may respond by filing a petition to the Director pursuant to 37 C.F.R. §2.63(b)(2) to review procedural issues. 37 C.F.R. §2.64(a); TMEP §714.04; *see* 37 C.F.R. §2.146(b); TBMP §1201.05; TMEP §1704 (explaining petitionable matters). The petition fee is \$100. 37 C.F.R. §2.6(a)(15).

/E.Bradley/  
Evelyn Bradley  
Trademark Examiner  
Law Office 105  
(571) 272-9292

**TO RESPOND TO THIS LETTER:** Go to [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp). Please wait 48-72 hours from the issue/mailing date before using the Trademark Electronic Application System (TEAS), to allow for necessary system updates of the application. For *technical* assistance with online forms, e-mail [TEAS@uspto.gov](mailto:TEAS@uspto.gov). For questions about the Office action itself, please contact the assigned trademark examining attorney. **E-mail communications will not be accepted as responses to Office actions; therefore, do not respond to this Office action by e-mail.**

**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months

using the Trademark Status and Document Retrieval (TSDR) system at <http://tsdr.uspto.gov/>. Please keep a copy of the TSDR status screen. If the status shows no change for more than six months, contact the Trademark Assistance Center by e-mail at [TrademarkAssistanceCenter@uspto.gov](mailto:TrademarkAssistanceCenter@uspto.gov) or call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

**TO UPDATE CORRESPONDENCE/E-MAIL ADDRESS:** Use the TEAS form at <http://www.uspto.gov/trademarks/teas/correspondence.jsp>.

**To:** K.A. Schmursal Holding GmbH & Co. KG ([denverteas@kilpatricktownsend.com](mailto:denverteas@kilpatricktownsend.com))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 79139822 - S SCHMERSAL  
SAFE SOLUTIONS FOR YOUR - N/A  
**Sent:** 1/5/2015 8:45:44 AM  
**Sent As:** ECOM105@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)**

**IMPORTANT NOTICE REGARDING YOUR**  
**U.S. TRADEMARK APPLICATION**

USPTO OFFICE ACTION (OFFICIAL LETTER) HAS ISSUED  
ON **1/5/2015** FOR U.S. APPLICATION SERIAL NO. 79139822

Your trademark application has been reviewed. The trademark examining attorney assigned by the USPTO to your application has written an official letter to which you must respond. Please follow these steps:

(1) **READ THE LETTER** by clicking on this [link](#) or going to <http://tsdr.uspto.gov/>, entering your U.S. application serial number, and clicking on "Documents."

The Office action may not be immediately viewable, to allow for necessary system updates of the application, but will be available within 24 hours of this e-mail notification.

(2) **RESPOND WITHIN 6 MONTHS** (*or sooner if specified in the Office action*), calculated from **1/5/2015**, using the Trademark Electronic Application System (TEAS) response form located at [http://www.uspto.gov/trademarks/teas/response\\_forms.jsp](http://www.uspto.gov/trademarks/teas/response_forms.jsp).

**Do NOT hit "Reply" to this e-mail notification, or otherwise e-mail your response** because the USPTO does NOT accept e-mails as responses to Office actions.

(3) **QUESTIONS** about the contents of the Office action itself should be directed to the trademark examining attorney who reviewed your application, identified below.

/E.Bradley/  
Evelyn Bradley  
Trademark Examiner  
Law Office 105  
(571) 272-9292

## **WARNING**

**Failure to file the required response by the applicable response deadline will result in the ABANDONMENT of your application.** For more information regarding abandonment, see <http://www.uspto.gov/trademarks/basics/abandon.jsp>.

**PRIVATE COMPANY SOLICITATIONS REGARDING YOUR APPLICATION:** Private companies **not** associated with the USPTO are using information provided in trademark applications to mail or e-mail trademark-related solicitations. These companies often use names that closely resemble the USPTO and their solicitations may look like an official government document. Many solicitations require that you pay “fees.”

Please carefully review all correspondence you receive regarding this application to make sure that you are responding to an official document from the USPTO rather than a private company solicitation. All official USPTO correspondence will be mailed only from the “United States Patent and Trademark Office” in Alexandria, VA; or sent by e-mail from the domain “@uspto.gov.” For more information on how to handle private company solicitations, see [http://www.uspto.gov/trademarks/solicitation\\_warnings.jsp](http://www.uspto.gov/trademarks/solicitation_warnings.jsp).